



## **AGENDA**

### **August 11, 2015**

**6:00 p.m.**

The Roy City Planning Commission regular meeting will be held in the City Council Chamber / Court Room in the Roy City Municipal Building located at 5051 South 1900 West. The meeting will commence with the Pledge of Allegiance, which will be appointed by the Chair.

#### Agenda Items

1. Declaration of Conflicts
2. Approval of July 28, 2015 work session minutes
3. Approval of establishing Planning Commission meetings schedule for FY2016
4. Continued – Request to amend the General Plan (Master Land Use Map) and the Zoning Map for the property located at 2748 W 5600 S.:
  - a. From Low Density, Single-Family Residential to Very High, Multi-Family Residential (General Plan)
  - b. From RE-20 to R-3 (Zoning Map)
5. 6:00 p.m. – PUBLIC HEARING - Request for Preliminary Subdivision approval for Trailside subdivision, a two (2) lot residential subdivision located at 2748 W. 5600 S.
6. 6:00 p.m. – PUBLIC HEARING - Request for Preliminary Subdivision approval for Jeffs subdivision, a two (2) lot residential subdivision located at 4250 W. 5250 S.
7. 6:00 p.m. – PUBLIC HEARING - Request for Preliminary Subdivision approval for T & D Nelson subdivision, a five (5) lot residential subdivision located at 5463 S 3100 W.
8. Request for approval for a Site Plan to allow accessory buildings for Southern Comfort, located at 5357 S. 1900 W.
9. Commissioners Comments
10. Staff Update
11. Adjourn



1 Minutes of the Roy City Planning Commission Work Session held July 28, 2015 at 6:00 p.m. in  
2 the City Council Chambers of the Roy City Municipal Building.

3  
4 The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting  
5 was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was  
6 posted.

7  
8 The following members were in attendance:

9  
10 Gennie Kirch – Chairman Steve Parkinson- Planner  
11 Bob Dandoy Amy Mortenson – City Recorder  
12 Leland Karras  
13 Lindsey Ohlin  
14 Joe Paul

15  
16 Also present were: Mayor Cragun, Councilmember Yeoman, Councilmember Becraft,  
17 Councilmember Hilton, Michael Paul Amos, Greg Sagen, Leshia Spencer, Sally Elwood, Wendy  
18 Miranda, Joe Mueller

19  
20 Pledge of Allegiance: Commissioner Dandoy

21  
22 1. DECLARATION OF CONFLICTS

23  
24 None

25  
26 2. APPROVAL OF JULY 14, 2015 PLANNING COMMISSION MINUTES

27  
28 **Commissioner Karras moved to approve the minutes of July 14, 2015 as amended.**  
29 **Commissioner Ohlin seconded the motion. All members voted “aye”. The motion**  
30 **carried.**

31  
32 3. PRESENTATION AND DISCUSSION OF THE ROY CITY SIGN ORDINANCE

33  
34 In conjunction with the sign ordinance discussion, Councilmembers Yeoman and Becraft  
35 updated the audience on what has been happening with the Beautification Committee.  
36 Councilmembers Yeoman and Becraft explained that the City has a Beautification  
37 Committee. Councilmember Yeoman said the Committee is working on ideas on how to  
38 make 1900 nice. She mentioned to the audience that some of the new lights were up  
39 and that banners and a rock wall will also be added. Councilmember Yeoman stated  
40 they need the business owner’s help.

41  
42 Councilmember Becraft stated that eventually the State would be finished with 1900  
43 West and thinks it is very important for everyone to work together.

44  
45 Planner, Steve Parkinson stated he would like to inform the audience on the current sign  
46 ordinances. He stated the Planning Commission was working on updating the current  
47 sign ordinance. Mr. Parkinson wanted to help the audience understand what signs are  
48 legal, not legal and to see how strict today’s sign ordinances really are.

49  
50 Mr. Parkinson read the definition of a temporary sign:

51 “A sign which is intended to advertise community or civic projects, and real estate for

52 sale of lease on a temporary basis.

53

54 Mr. Parkinson stated right now that is all that the sign ordinance allows in regards to  
55 temporary signs.

56

57 Mr. Parkinson moved on to explain Off-Premises Signs:

58

59 "A sign which directs attention to a use, product, commodity or service not related to the  
60 premises on which it is located."

61

62 Mr. Parkinson stated that off-premises signs are not allowed at all other than existing  
63 billboards that have been grandfathered in.

64

65 City Planner Parkinson then explained the Specialty Sign Ordinance:

66

67 "Portable illuminated or animated specialty signs are prohibited in the city. All other  
68 portable signs, "A" frame signs and wind signs are prohibited unless they are securely  
69 anchored and ten (10) feet back from the property line. The Public Works Director from  
70 time to time may promulgate reasonable anchoring requirements which must be  
71 complied with. Specialty signs shall not exceed a maximum of twelve (12) feet or display  
72 area on each side and shall not exceed one sign per one hundred ten (110) linear feet  
73 on each street facing each business."

74

75 Mr. Parkinson then explained the Ordinances a little more in depth and explained that he  
76 doesn't want signs to create any traffic problems.

77

78 Mr. Parkinson then brought up an additional sign that is an EMC Signs. These are  
79 electronic message boards. He stated that right now the rules on these types of signs  
80 are very restrictive. He stated EMC signs can only be at certain intersections along  
81 certain streets in certain places. Mr. Parkinson stated this was something the Planning  
82 Commission would be looking at when amending the ordinance.

83

84 Mr. Parkinson then went over language for the proposed sign ordinance regarding  
85 temporary signs.

86

87 Standards for Temporary Signs: Temporary signs shall not be placed in or over a public  
88 right-of-way, may not flash, blink, spin, rotate, block traffic visibility, constitute a vehicular  
89 or pedestrian traffic hazard, or cause a public nuisance of any kind. They shall not be  
90 attached to telephone poles, fences, or trees.

91

92 Temporary signs may be attached to existing permanent signs only for the grand  
93 opening period. Temporary signs may cover or obscure an existing permanent sign, only  
94 if the business has changed hands or changed names. No off-premise temporary signs  
95 are allowed except those specifically noted and regulated for real estate purposes or  
96 otherwise noted in the chapter.

97

98 All temporary signs must be firmly attached to the building or ground unless otherwise  
99 mentioned in this Chapter.

100

101 All Temporary Signs require a permit, approved by the Planning & Zoning Administrator,  
102 unless otherwise stated in this Chapter.

103  
104 Mr. Parkinson then went over four (4) different types of Temporary Signs that will be  
105 allowed:

106  
107 A. Grand Opening Signs. Temporary signs announcing the initial opening of a business,  
108 or the relocation, or change of ownership of an existing business providing an  
109 application for a new business license has been applied for there shall be no more  
110 than 2 signs allowed per business. The signs must comply with general size and  
111 location standards for signage in this Chapter and must be removed at the end of the  
112 60 day period.

113  
114 **NOTE:** "Now Open", "Grand Opening", "New Location of....", "New Ownership," etc.  
115 are appropriate type message for such signs.

116  
117 B. Special Promotion Periods. A business may apply for three [3] special promotion  
118 periods during the calendar year. Each period may not exceed seven (7) days in  
119 length. The periods may be combined to run consecutively.

120  
121 **NOTE:** Special product, price, or service advertising are appropriate during these  
122 periods.

123  
124 C. Going Out of Business/Bankruptcy Period. A business may apply for a special permit  
125 in order to facilitate the liquidation of inventory for a failing business for a period not  
126 to exceed ninety (90) calendar days. Such permit will be allowed only once for any  
127 business license.

128  
129 **NOTE:** Special product, price or service advertising are appropriate during these  
130 periods.

131  
132 D. Holiday Periods.  
133 A business may advertise a special service, product or sale during the following  
134 holiday periods:

Holiday Periods	Permitted Display Time
Presidents Day – February	Five (5) days
Easter – March/April	Five (5) days
Memorial Day – May	Five (5) days
July 4 <sup>th</sup>	Five (5) days
July 24 <sup>th</sup>	Five (5) days
Labor Day – September	Five (5) days
Thanksgiving - November	Seven (7) days
Christmas/Hanukkah/New Years	23 days – starting Dec. 10 <sup>th</sup> and ending Jan 2 <sup>nd</sup>

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Chairman Kirch stated that people should keep in mind that the more people follow the rules the better Roy looks. She also stated the Planning Commission has discussed this matter immensely and that the intent is to give the businesses wings rather than bind them.

4. COMMISSIONERS COMMENTS

Chairman Kirch asked if 1900 West would be done before the parade. Mr. Parkinson said the City is being told that it will be done.

5. STAFF UPDATE

None

6. ADJOURN

**Commissioner Karras moved to adjourn the City Council Meeting, at 6:36 p.m.  
Commissioner Paul seconded the motion.**

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Gennie Kirch - Chair

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Amy Mortenson  
Recorder

## ESTABLISHING PLANNING COMMISSION MEETINGS SCHEDULE FOR FY2016

BE IT HEREBY RESOLVED, that the Roy City Planning Commission will hold Planning Commission Meetings in the Roy City Municipal Building, commencing with July 14, 2015, at 6:00 p.m., excluding holidays.

The dates, locations and type of meetings are as follows:

Regular Meetings (Second Tuesdays)

*Held in the City Council Chambers*

July 14, 2015  
August 11, 2015  
September 8, 2015  
October 13, 2015  
November 10, 2015  
December 8, 2015  
January 12, 2016  
February 9, 2016  
March 8, 2016  
April 12, 2016  
May 10, 2016  
June 14, 2016

Work Sessions (Fourth Tuesdays)

*Held in the large Conference Room*

July 28, 2015  
August 25, 2015  
September 22, 2015  
October 27, 2015  
November 24, 2015  
December 22, 2015  
January 26, 2016  
February 23, 2016  
March 22, 2016  
April 26, 2016  
May 24, 2016  
June 28, 2016

This was passed by a unanimous vote of the Roy City Planning Commission on August 11, 2015, at a regular Planning Commission Meeting.

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Gennie Kirch  
Planning Commission Chairperson

Attested and Recorded:

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Amy Mortenson  
City Recorder

## SYNOPSIS

### Application Information

Applicant: Boyd Call; Trustee  
Jon Barker; J & D Holdings Company

Request: Requests to amend the

1. General Plan (Future Land Use Map) from Low Density Single-Family to Very High Density, Multi-Family
2. Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay)

Address: 2748 West 5600 South

### Land Use Information

Current Zoning: RE-20 and R-3;

Adjacent Land Use: North: RE-20; Residential Estates      South: R-3; Multi-Family Residential  
East: R-1-8; Single-Family Residential      West: R-3; Multi-Family Residential

### Staff

Report By: Steve Parkinson  
Staff Recommendation: Approval with conditions

## APPLICABLE ORDINANCES

- 1) Roy City Zoning Ordinance Title 10, Chapter 5 – Amendments to General Plan and Zoning Ordinance
- 2) Roy City Zoning Ordinance Title 10, Chapter 8 – Special Purpose District – Residential In-fill Overlay

## CONFORMANCE TO THE GENERAL PLAN

- 1) Residential Development Goal 1; Policy D: *The City's policies should encourage the development of a diverse range of housing types, styles and price levels in all areas of the City.*
- 2) Residential Development Goal 3; Policy G: *The housing needs for low and moderate income families and senior citizens in Roy City shall be determined by the City on a regular basis, or as the need arises.*

## SINCE LAST PLANNING COMMISSION MEETING

During the last meeting the Planning Commission tabled this request, asking the applicant to provide a traffic study. The applicant has had a transportation engineer provide a "Trip Generation and Roadway Capacity Memo", which has been attach as Exhibit "F".

Additionally there was some concerns that the Commission had as for what is required to be presented/provided by the applicant for such a request. Chapter 5 of the Roy City Zoning Ordinance provides some answers.

### Section 505 – Criteria for Approval of General Plan Amendments

In considering a proposed amendment to the Roy City General Plan, the application shall identify, and the Commission and Council shall consider the following factors, among others:

- 1) The effect of the proposed amendment on the character of the surrounding area.
- 2) The effect of the proposed amendment on the public health, welfare, and safety of City residents.
- 3) The effect of the proposed amendment on the interests of the City and its residents.
- 4) The location of the proposed amendment is determined to be suitable for the uses and activities allowed by the proposed amendment, and the City, and all other service providers, as applicable, are

capable of providing all services required by the proposed uses and activities in a cost effective and efficient way.

- 5) Compatibility of the proposed uses with nearby and adjoining properties.
- 6) The suitability of the properties for the uses requested.
- 7) The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the City's Land Use Ordinances, this Ordinance, the Subdivision Ordinance, and any other Ordinances required to implement the amendment.
- 8) The community benefit of the proposed amendment.

#### **Section 506 – Effect of General Plan Amendments**

The approval of a General Plan Amendment Application shall not authorize the development of land. After a General Plan Amendment Application has been approved by the Council, no development shall occur until the required permits and licenses have been issued by the City consistent with the applicable provisions of this Ordinance, the Subdivision Ordinance, the Building Codes, as adopted by the City, and all other Ordinances and requirements.

#### **Section 509 – Criteria for Approval of a Zoning Ordinance and/or Zoning Map**

General Plan and Land Use Maps Consistency Required. No amendment to the Zoning Ordinance or Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan and Land Use Maps. In considering a Zoning Ordinance or Zoning Districts Map Amendment, the Commission and the Council shall consider the following factors, among others:

- 1) The effect of the proposed amendment to advance the goals and policies of the Roy City General Plan.
- 2) The effect of the proposed amendment on the character of the surrounding area.
- 3) The compatibility of the proposed uses with nearby and adjoining properties.
- 4) The suitability of the properties for the uses requested.
- 5) The overall community benefits.

#### **Section 510 – Effect of an Amendment to the Zoning Ordinance and Zoning District Map**

The approval of a Zoning Ordinance Amendment or Zoning Districts Map Amendment Application (Rezone) shall not authorize the development of land. After an amendment has been approved by the Council, no development shall occur until the required approvals, permits, and licenses have been issued by the City consistent with the applicable provisions of this Ordinance, the Subdivision Ordinance, the Building Codes, as adopted by the City, and all other Ordinances and other requirements.

So some questions that the Commission needs to reflect upon are:

- Does changing are not changing the zoning provide the best options for development?
- How can this property best be developed? As single-family dwellings? As two-family or three-family dwellings? OR as multi-family

## **ANALYSIS**

### **Background:**

There is an existing single family home on the property that they are planning on keeping. It will be separated from the development on a separate parcel. The entire property is 1.46 acres (63,598 sq.-ft.) including the site for the single family home. The applicant has applied for approval of a preliminary subdivision plat, but it wasn't submitted in time to be on this agenda. The proposed subdivision will have the single family dwelling on an 8,280 sq.-ft. parcel with the remaining 55,318 sq.-ft. to be used for a multi-family development.

### **Amend Future Land Use Map:**

Current Designation: The subject property is currently split into two (2) different land use designations. The southeastern corner identified as Very High Density Multi-Family Residential and the western/northern portions are identified as Low Density Single-Family Residential.

Considerations: For decades this property has been used as a single family residence, with the eastern corner un-utilized and in fact when looking at the property (see exhibit B), it almost appears as to not even be a part of the residences. The western/northern portions of the property use to be a garden but now has turned to weeds and is under-utilized. The D & RG rail trail is abutting the western property line and is a great amenity for any type of residential. Because 5600 South is an arterial street, has transit access staff feels that the request is the best use for this parcel.

### **Amend Zoning Map:**

Current Zoning: Currently the property is split zoned, similarly to the Future Land Use Map, the southeastern corner is zoned R-3 and the western/northern portions are zoned RE-20.

Requested Zone Change: The applicant would like to have the entire property zoned R-3, and include the RIO (Residential Infill Overlay) to allow for a multi-family residential development.

Considerations: For the same reasons covered in the heading on the Future Land Use Map, planning staff is in support of the change to high density residential zoning. The project will provide a good transition from the single family residential uses to the north and will provide a buffer between the arterial street of 5600 South.

Although there are other similar multi-family complexes in the area and the single-family stock varies in density, staff feels that quality multi-family could be a good addition to the mix of uses here, and supports the requested zone change.

### **CONDITIONS OF APPROVAL**

1. Apply and receive Conditional Use & Site Plan approval

### **FINDINGS**

1. That it's the best use of the land.
2. Provides a buffer between the single-family residence to the North and the busy road to the south.

### **ALTERNATIVE ACTIONS**

The Planning Commission can recommend Approval, Approval with conditions, Deny or Table.

### **RECOMMENDATION**

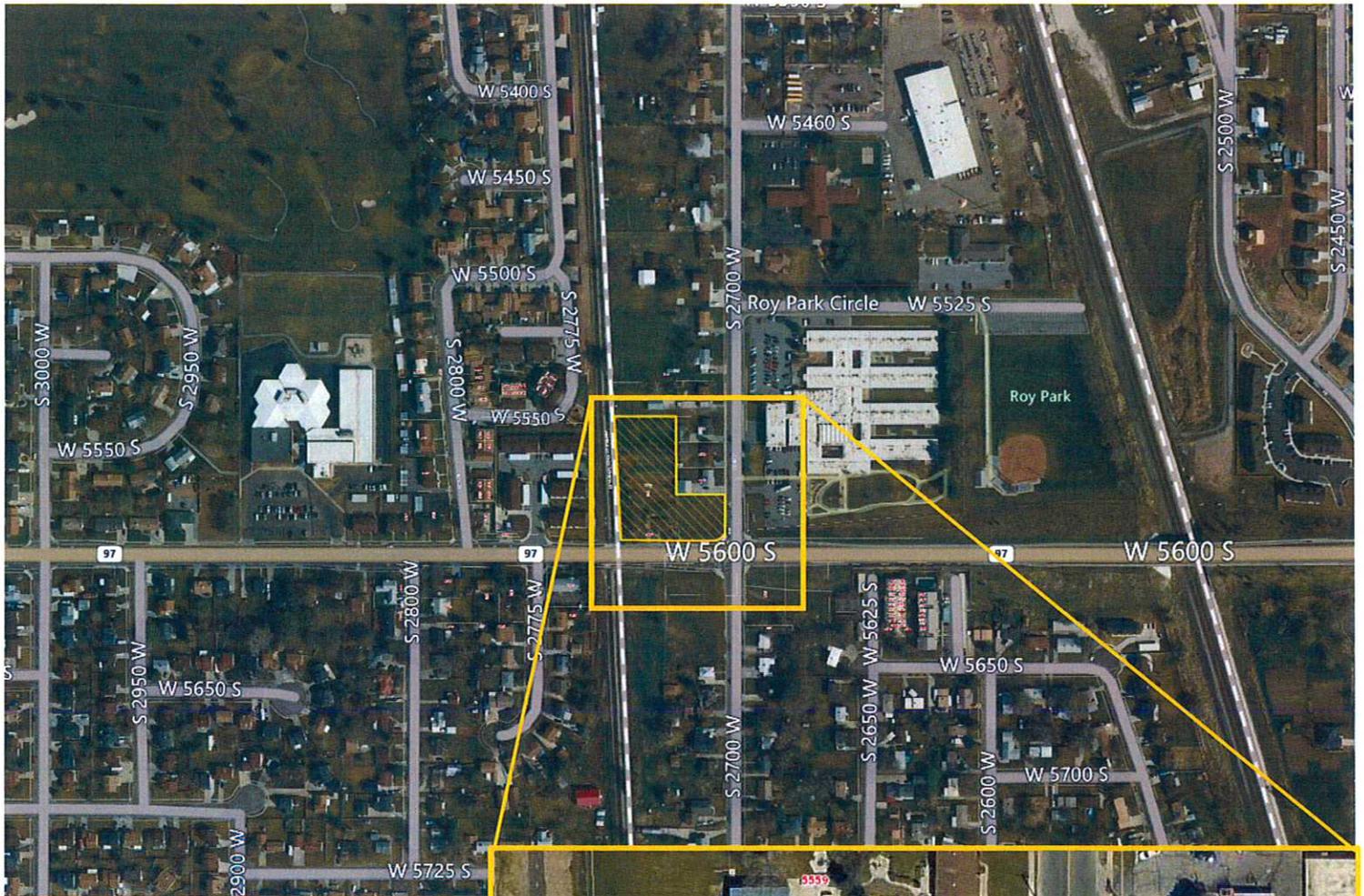
Staff recommends that the Planning Commission recommends approval for the request with the conditions as discussed and as outlined within the staff report to:

1. Amend the General Plan (Master Land Use Map) from Low Density Single-Family to Very High Density, Multi-Family, and
2. Amend the Zoning Map from RE-20 (Residential Estates) to R-3 (Multi-Family Residential) and RIO (Residential Infill Overlay), with the conditions as stated in the staff report.

### **EXHIBITS**

- A. Aerial Map
- B. Pictures of existing property and buildings
- C. Future Land Use Map
- D. Zoning Map
- E. Applicant's Narrative
- F. Traffic Study Memo

**EXHIBIT "A" – AERIAL MAP**



**EXHIBIT "B" – PICTURES**



Looking North West from the intersection of 2700 W & 5600 S.



Looking North at the home from 5600 S.



Looking North West from the rear of home



Looking North East from the rear of home

**EXHIBIT "C" – FUTURE LAND USE MAP**

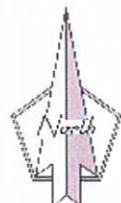


**Legend**

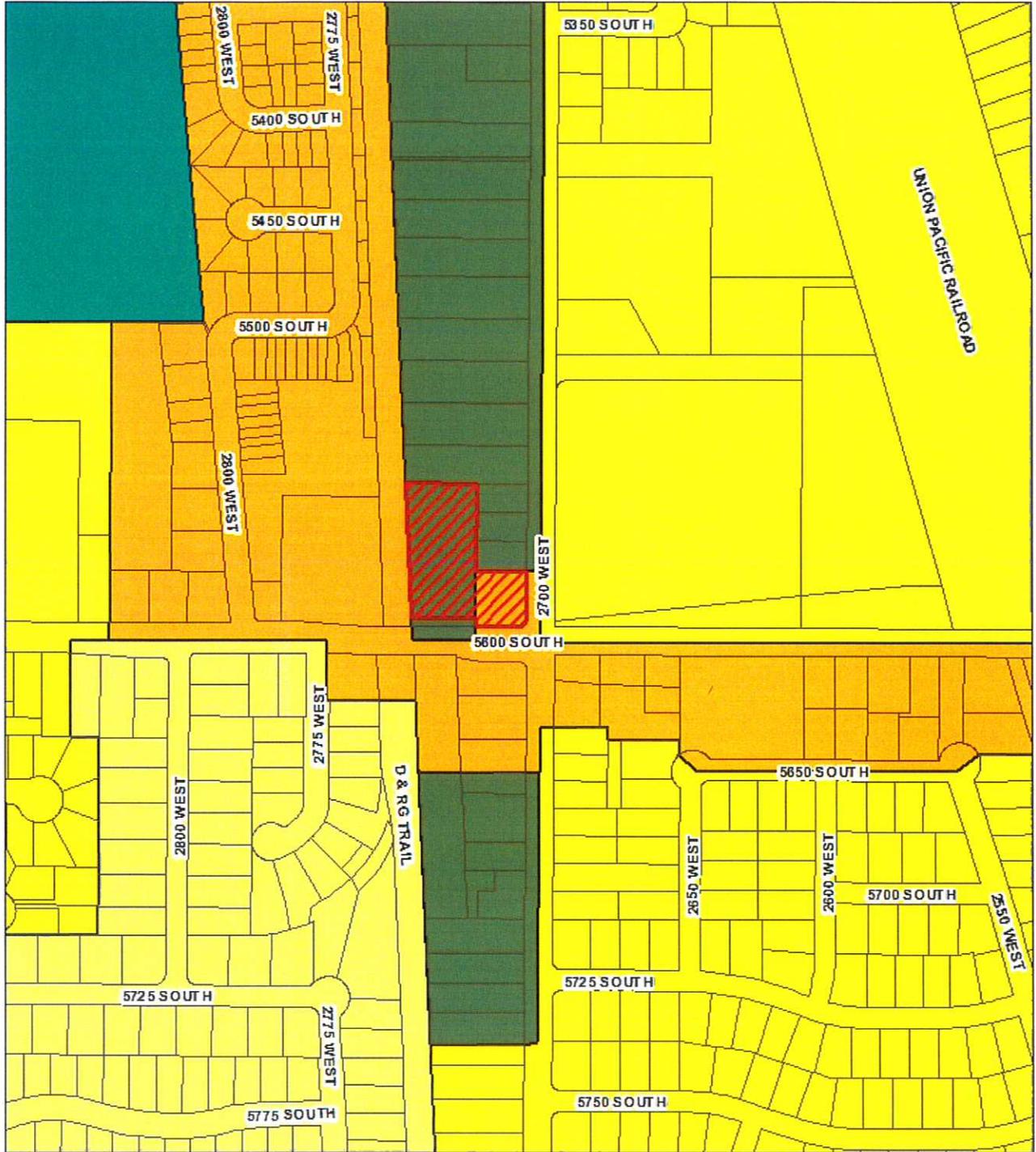
- |   |   |
|---|---|
|  Low Density Residential       |  Schools       |
|  Medium Density Residential    |  Government    |
|  High Density Residential      |  Industrial    |
|  Very High Density Residential |  Business Park |
|  Parks                         |  Commercial    |
|  Churches                      |  Utility       |



**Future Land Use**



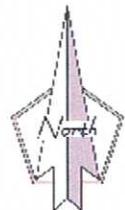
**EXHIBIT "D" – ZONING MAP**



**Legend**

- |  |    |  |        |  |       |  |               |
|--|----|--|--------|--|-------|--|---------------|
|  | CC |  | R-1-6  |  | R-2   |  | City Boundary |
|  | RC |  | R-1-7  |  | R-3   |  | Parcels       |
|  | BP |  | R-1-8  |  | R-4   |  |               |
|  | M  |  | R-1-10 |  | RIO   |  |               |
|  | LM |  | R-1-15 |  | RMH-1 |  |               |
|  | R  |  | RE-20  |  |       |  |               |

**Roy CITY**  
**Zoning Map**



Narrative for 2748 West 5600 South  
Roy City, Utah  
05/26/2015

The following information is regarding to our request for a General Plan Amendment, Rezone and for a (R.I.O.) Residential Infill Overlay for the property located at 2748 West 5600 South, Roy City, Utah.

Our family has owned this property for over 50 years. We have farmed the 1.46 acres year after year. It has been a perfect place to grow-up and raise our families. Just as any other family, though, there comes a time when a parcel of this size becomes too large to manage. As a family we have decided to sell our family home and the 1.46 acres it sits on. In doing so we feel the need to make the property as useful to someone else as it has been for us. That is why we are requesting that the property be rezoned to the proper zoning category.

The current General Plan designates our property in two different categories - Low Density Single Family residential and Very High Density, Multi-Family Residential. A Portion of our property located on the corner of 2700 West and 5600 South is designated Very High Density (R-3) while the additional portion is designated to Low Density (RE-20). The entire property is surrounded by three (3) different land use classifications. The three (3) bordering uses are R-3, RE-20 and Commercial.

We are requesting that the portion of our property (1.11 Acres) currently zoned RE-20 be Rezoned to the R-3 zone to be consistent with the existing (.35 Acre) R-3 zoned portion of property. This will require a General Plan Amendment and Rezone for property.

Rezoning of the portion of property to R-3 reflects the Goal 3 "Policy D" of the General Plan which states that zoning boundaries should not cut across individual lots or developments. As the property currently sits, the portion of land (1.11 Acres zoned RE-20) located behind the family home will not encourage reasonable land use balance with the surrounding zones. The property to the West, South and running up 5600 South are all zoned R-3 with just a portion of our property zoned RE-20. The rezone will allow the property to match its surrounding zones and allow for opportunities for redevelopment in the city.

We are also requesting that the city approve our request to establish a Residential Infill Overlay District (R.I.O.) on this property. The request for the (RIO) is due to the narrow width of the property. The (RIO) will be a great benefit, as it will allow a future buyer to have more options when he is in the design phase of his project. It will allow for some design options that will enhance the corner of 5600 South and 2700 West and bring a more aesthetically pleasing type of development to Roy City.

*Adrian* *Call* *Trustee*  
*Adrian (Trustee)*

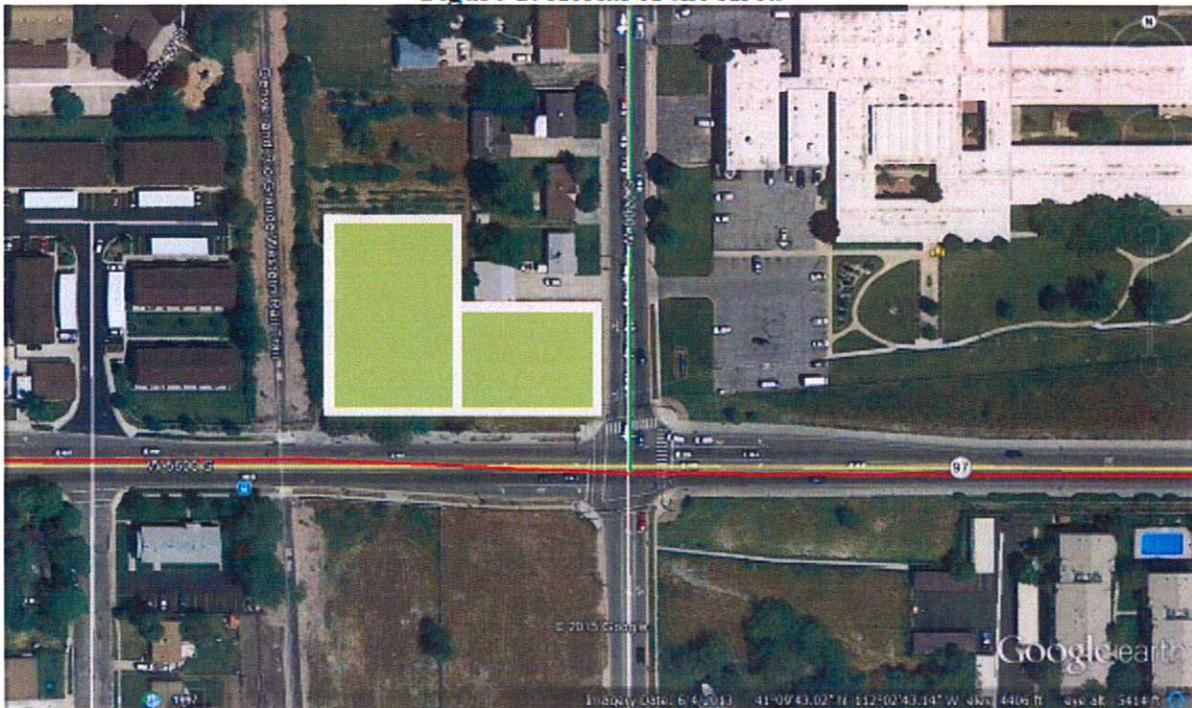
July 21, 2015



RE: Trailside Crossing, Roy, UT - Trip Generation and Roadway Capacity Memo

The proposed Trailside Crossing development is located on the north-west corner of 5600 South (SR 97) and 2700 West (FAR 3311) intersection in Roy, UT. SR 97 carries 15,730 average daily trips (ADT) and 2700 West carries 4,035 ADT. Based on the size of the site, no more than 16 residential units could be developed. Figure 1 shows an aerial of the site.

Figure 1: Aerial of the Area



Trip generation for the site is from ITE Trip Generation Manual, 9<sup>th</sup> Edition for Land Use 230, Townhomes. Table One shows the trip generation rates based on a per unit basis as provided for the AM peak, PM peak and Daily traffic. Multiplying the trip rate by the facility sizes provides the trip generation for the site.

**Table 1: ITE Trip Rates**

ITE 9th Ed	Size	Land Use	Trip Rate			Trips		
			AM	PM	Daily	AM	PM	Daily
Trailside Crossing	16	230	0.44	0.52	5.81	7	8	93

**5600 South**

5600 South is an existing 3-lane arterial roadway along the property frontage. Using the suburban street capacity, a 3-lane arterial has a capacity of 16,500 ADT. A Level of Service (LOS) D would accommodate 13,000 ADT and a LOS C would accommodate 11,500 ADT. Based on the current 15,730 ADT, this facility is already over capacity. No access onto 5600 South is recommended.

Suburban  
LOS E

	Freeway	Arterial	Collector
2 Lane	NA	15,000	13,500
3 Lane	NA	16,500	15,000
4 Lane	89,000	36,500	28,500
5 Lane	NA	39,000	31,500
6 Lane	140,000	52,000	NA
7 Lane	NA	59,000	NA
8 Lane	187,000	NA	NA

LOS D

	Freeway	Arterial	Collector
2 Lane	NA	11,500	10,500
3 Lane	NA	13,000	11,500
4 Lane	70,000	29,000	22,500
5 Lane	NA	30,500	25,000
6 Lane	110,000	40,500	NA
7 Lane	NA	46,000	NA
8 Lane	146,000	NA	NA

LOS C

	Freeway	Arterial	Collector
2 Lane	NA	10,000	9,000
3 Lane	NA	11,500	10,000
4 Lane	60,000	25,000	19,000
5 Lane	NA	26,500	21,500
6 Lane	95,000	35,000	NA
7 Lane	NA	40,000	NA
8 Lane	126,000	NA	NA

The assumed proposed 16 townhomes is projected to generate 93 daily trips. With a projected capacity of 16,500 ADT, 5600 South is projected to operate at a LOS D and 2700 West is projected to operate at a LOS A/B.

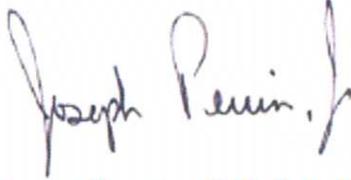
**Access Need**

A single access is all that is needed for the site. This is most appropriate on 2700 West instead of 5600 West. The access on 2700 West will need to be evaluated to determine if it is more appropriate as a full motion or a restricted right in / right out due to the proximity to the intersection.

Please contact me with any questions.

Sincerely,

**A-Trans Engineering**

A handwritten signature in black ink that reads "Joseph Perrin, J." The signature is written in a cursive style with a large initial 'J'.

Joseph Perrin, PhD, PE, PTOE  
Principal

**SYNOPSIS****Application Information**

Applicant: John Baker  
Request: Request for Preliminary Subdivision approval for Trailside Subdivision, a two (2) lot single-family residential subdivision.  
Address: Approximately 2748 West 5600 South

**Land Use Information**

Current Zoning: R-3; Multi-Family Residential and RE-20; Residential Estates  
Adjacent Land Use: North: RE-20; Residential Estates South: R-3; Multi-Family Residential  
East: R-1-8; Single-Family Residential West: R-3; Multi-Family Residential

**Staff**

Report By: Steve Parkinson  
Recommendation: Recommends approval with conditions

**APPLICABLE ORDINANCES**

- Roy City Zoning Ordinance Title 10, Chapter 8 (Special Purpose District - Residential In-fill Overlay District)
- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

**BACKGROUND**

**Subdivision:** The proposed subdivision is to subdivide 69,314 square-feet of property into two (2) individual parcels. Lot 1 already has an existing single-family dwelling on it and Lot 2 would be for an unknown type of use..

**Zoning:** The property is currently split zoned, however if the rezone request is approved for zoning of R-3 and then both lots would meet the minimum lot width and lot area required for the zone.

However, if the rezone request is denied, then Lot 1 would not meet either the required lot width or lot area.

**Access:** Lot 1 will continue to have access onto 5600 South and Lot 2 will have access onto 2700 West.

**Improvements / Utilities:** Both lots are easily served by all utilities.

**DRC Review:** The DRC has reviewed the development, see attached memo. There are a few things needing to be re-submitted, but nothing that would cause the development not to comply with all applicable codes.

**Summary:** If the rezone request to R-3 has been approved then this small two (2) lot subdivision can meet all aspects of the zoning and subdivision requirements for lot width and lot area.

**CONFORMANCE TO THE GENERAL PLAN**

The future land use map if previously approved, shows and supports this area to be developed as R-3; Very High Multi-Family Density Residential.







DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 27 July 2015  
To: John Barker  
From: Steve Parkinson – Planning & Zoning Administrator  
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Ross Oliver – Public Works Director  
Clint Drake – City Attorney  
Subject: Trailside Crossing Subdivision - Preliminary

A handwritten signature in blue ink, appearing to be "SEP", is located to the right of the "From:" field.

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

**Engineering –**

1. Proposed laterals for sanitary sewer, water and secondary water services should be indicated for Lot 2.
2. Plans for storm water detention should also be indicated in accordance with Subdivision Ordinance requirements.
3. Depending on the location of the proposed home for Lot 2, a fire hydrant may be required on the west side of 2700 West.
4. Existing fences for the neighboring lots should be indicated.
5. Proposed access for Lot 2 should be shown from 2700 West because a 5600 South ingress/egress will likely not be approved by UDOT.

**Fire – Legal – Public Works**

1. No Comments

**Building -**

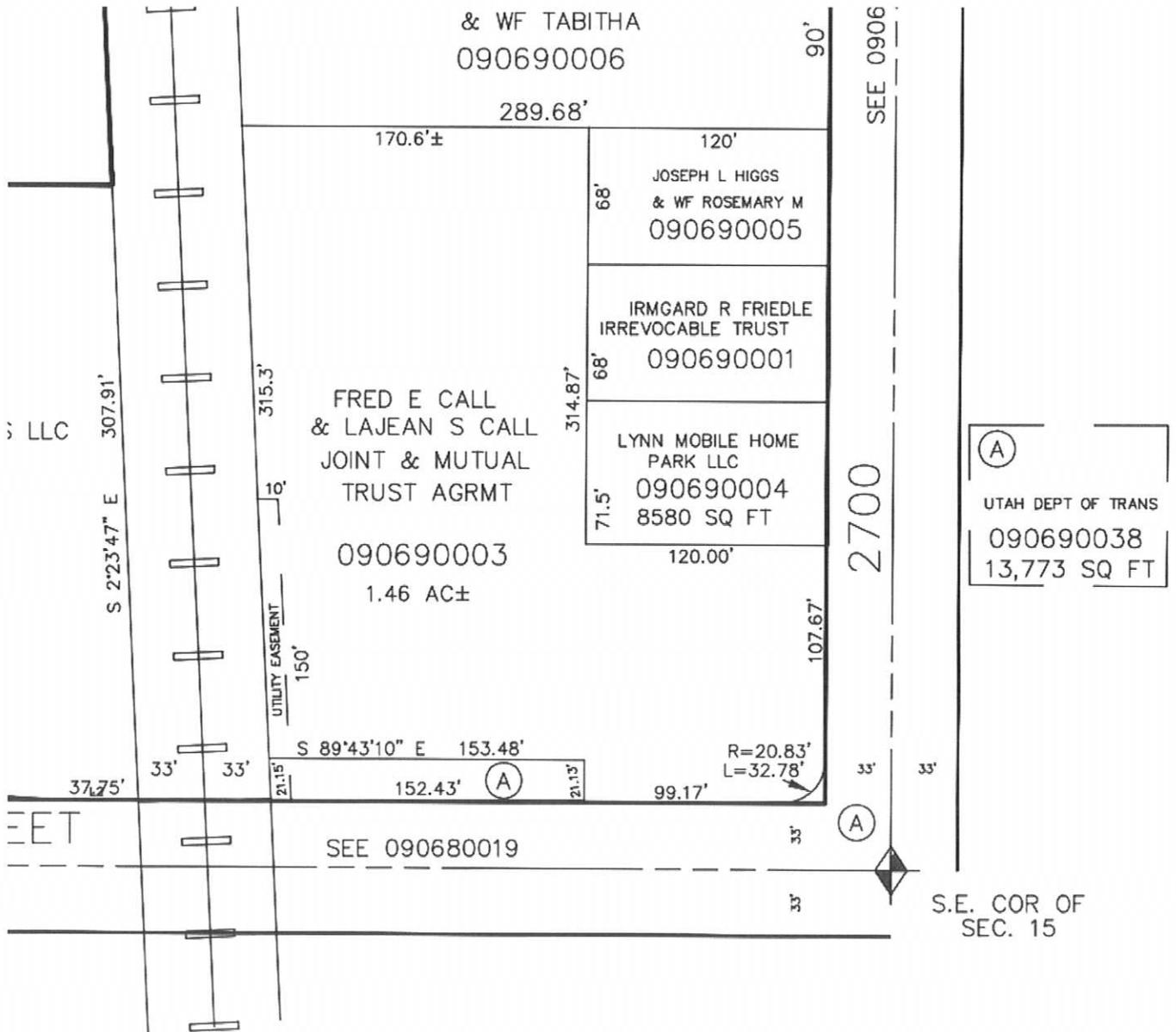
1. There shall be a geotechnical sub surface investigation performed on the site of lot #2. There shall be borings performed by a Geotechnical Engineer to evaluate conditions below the surface. All findings shall be submitted to the City and all recommendations made in the Geotechnical Report shall be followed. This will be required to be completed prior to any building permits being issued.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm)

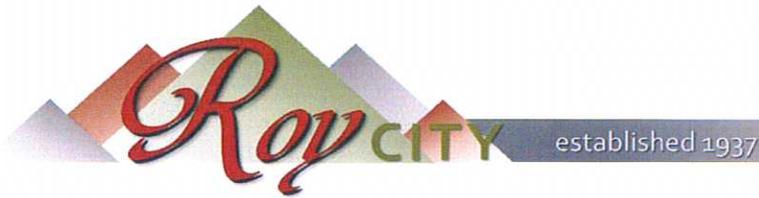
of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

3. All current building codes that are in use at the time of construction shall apply.

**Planning -**

1. The County plat maps show a parcel owned by UDOT number, parcel No. 06-069-0038, measuring 21.15' X 152.43' (see attached)
2. Existing shed will need to be removed.
3. Currently the house has a circular driveway, with the secondary entry access near the western property line. The asphalt needs to be removed as well as the replacement of the curb & gutter.
4. How far off of property is the existing garage which is on the parcel 09-069-0004?





## SYNOPSIS

### Application Information

Applicant: Crystal Jeffs  
Request: Request for Preliminary Subdivision approval for Jeffs Subdivision, a two (2) lot single-family residential subdivision.  
Address: Approximately 4250 West 5250 South

### Land Use Information

Current Zoning: R-1-7; Single-Family Residential  
Adjacent Land Use: North: R-1-8; Single-Family Residential      South: R-1-7; Single-Family Residential  
East: R-1-7; Single-Family Residential      West: R-1-7; Single-Family Residential

### Staff

Report By: Steve Parkinson  
Recommendation: Recommends approval with conditions

## APPLICABLE ORDINANCES

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

## BACKGROUND

The property is located on the west side of Roy City, just south of the Willows Creek Village pond, and east of Howards slough.

**Subdivision:** The proposed subdivision is to subdivide 1.297 acres of property into two (2) individual parcels. There will be a shared driveway for each parcel to have access to and onto 5250 South.

**Zoning:** The property is recently zoned R-1-7 and according to table 10-1 of the zoning ordinance the R-1-7 zone allows for single-family lots to be a minimum of 7,000 sq.-ft. which each lot exceeds this requirement, the smallest being 26, 2987 sq.-ft. and each lot also meets the lot width requirements.

**Access:** Both parcels will use a shared access driveway as their only access to a public street. The area is unique because of Howard Slough to the west and residential development on each of the other three sides.

**Improvements / Utilities:** Both lots are easily served by all utilities.

**DRC Review:** The DRC has reviewed the development, see attached memo. There are a few things needing to be re-submitted prior to applying for final plat approval, but nothing that would cause the development not to comply with all applicable codes.

**Summary:** This small two (2) lot subdivision meets all aspects of the zoning and subdivision requirements for lot width and lot size.

## CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-1-7; Single-Family Density Residential.

## CONDITIONS OF APPROVAL

1. Compliance to the requirements and recommendations as outline in the DRC memo dated 6 August 2015 (Attached).

## FINDINGS

1. The proposed subdivision meets all of the requirements of the Zoning Ordinance.
2. The proposed subdivision meets all of the requirements of the Subdivision Ordinance

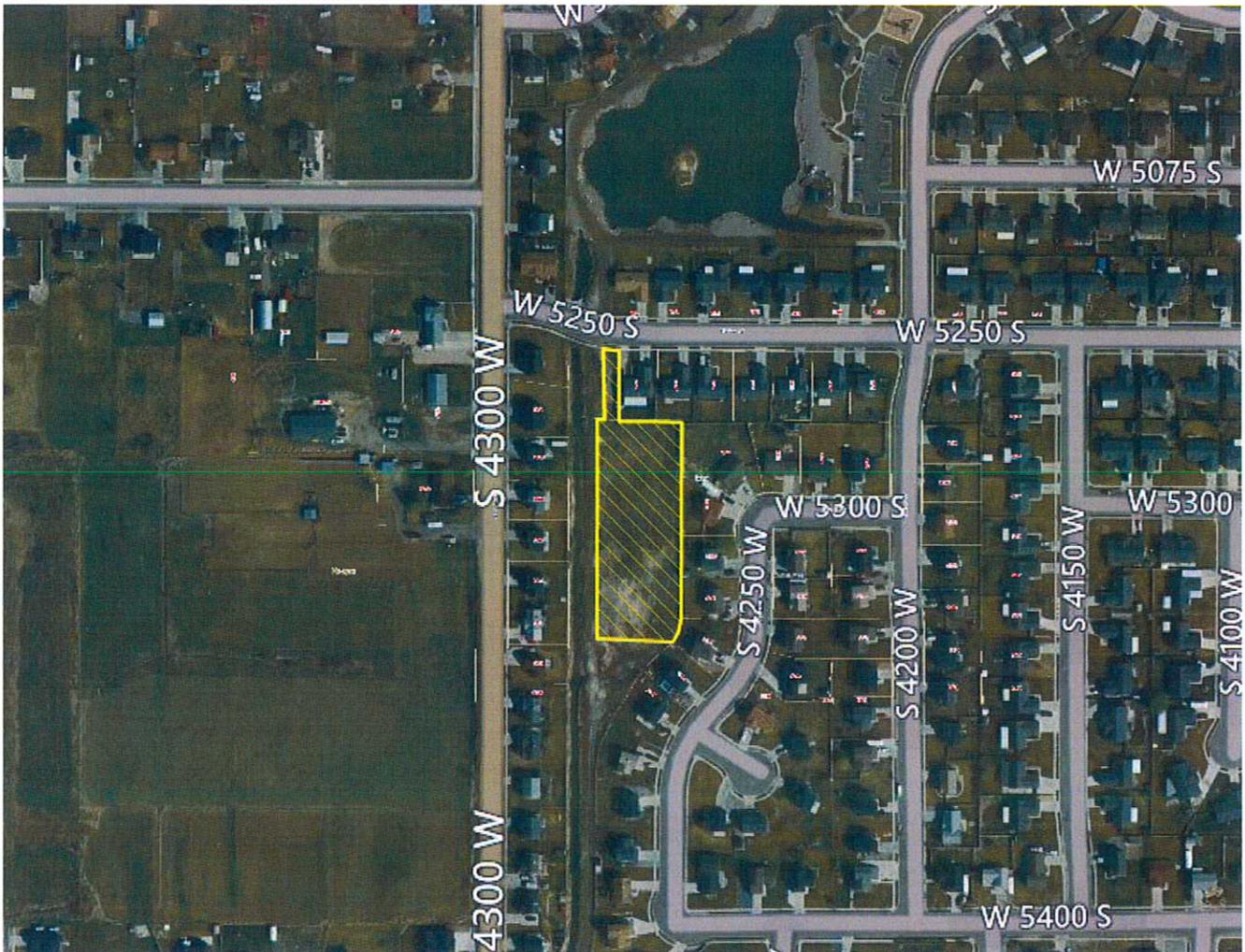
## RECOMMENDATION

Staff recommends approving the Preliminary Subdivision of Jeffs Subdivision located at approximately 4250 West 5250 South with the conditions as discussed and as outlined within the staff report.

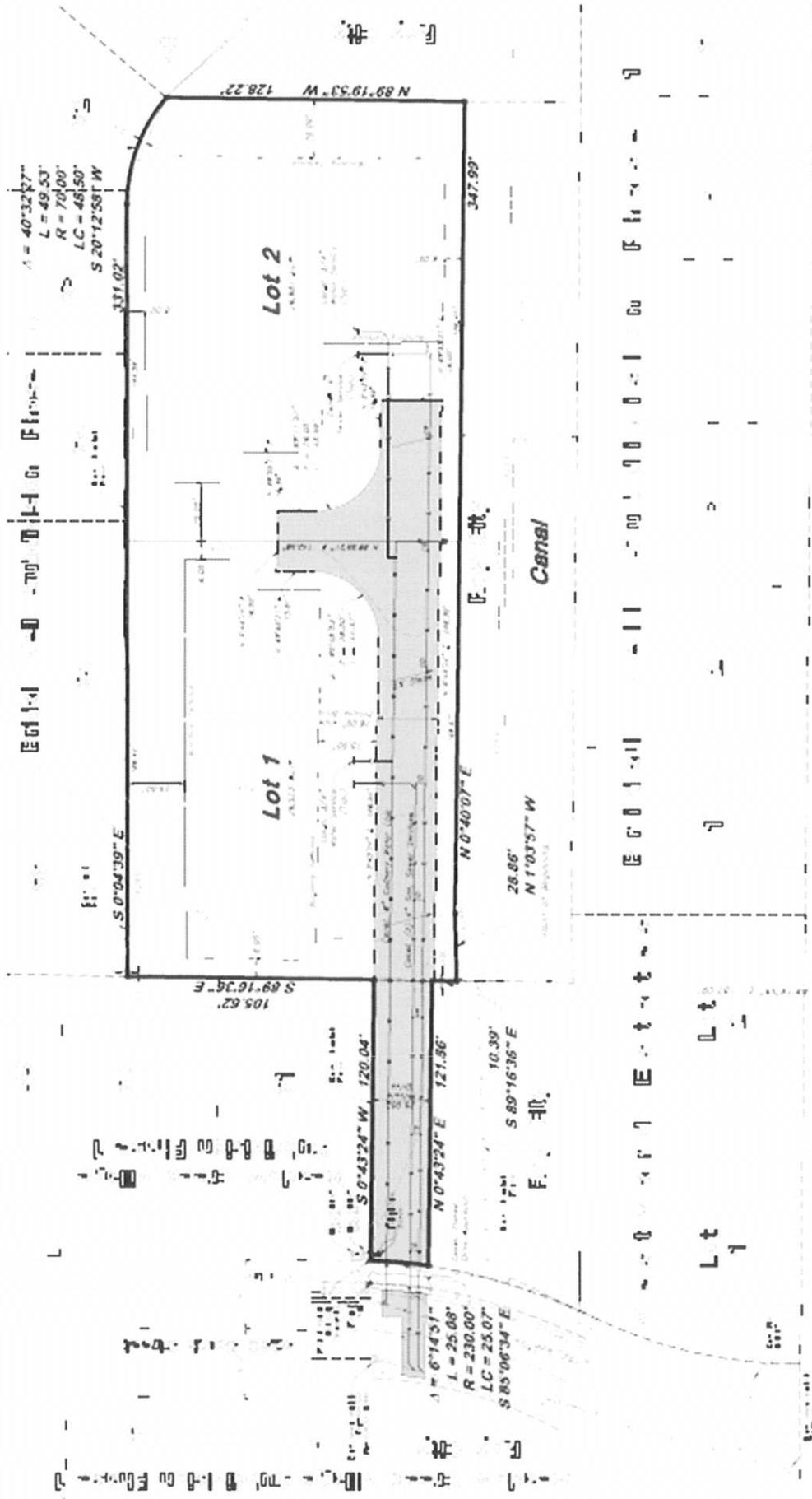
## EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 6 August 2015

## EXHIBIT "A" – AERIAL MAP



**EXHIBIT "B" - PRELIMINARY SUBDIVISION PLAT**





DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 6 August 2015

To: Crystal Jeffs  
Jason – Great Basin Engineering

From: Steve Parkinson – Planning & Zoning Administrator  
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Ross Oliver – Public Works Director  
Clint Drake – City Attorney

Subject: Jeffs Subdivision (Preliminary Plat) 4250 West 5250 South

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

**Engineering –**

1. Secondary water is required in Roy City. The secondary connection should be shown on the Preliminary Plan. The water connection to the main line should include an isolation valve.
2. The Fire Department will need to approve the Hammerhead turn-around. Typically, the engineer shows the template that proves the ladder truck can turn around in the hammerhead. The width of the access will also be determined by their code. The structural pavement section is not indicated. It should be shown so we can determine if it is adequate for the anticipated load from emergency vehicles.
3. The utility connections in 5250 South Street will cause structural degradation of the roadway. "T" style trenches will be required in accordance with APWA standards and should be shown on the plans.
4. The remainder parcel west of the proposed access off of 5250 needs to be identified and connected to one of the parcels. The proposed division doesn't address the remainder parcel in accordance with Roy Subdivision Standards.
5. The Howard Slough right-of-way needs to be fenced in accordance with Roy City Standards.
6. Storm drainage is not addressed on the plan.
7. If there is a homeowner's association, the City will need to review and approve the associated documents.
8. According to the General Plan Figure 9 (Physical and Environmental Hazards), this area has shallow ground water. The maximum depth of any building is one to two feet. This should be noted on the subdivision plat.
9. This area is located in a high risk liquefaction area per Figure 9 of the General Plan. This should be noted on the subdivision plat.
10. Figure 9 of the General Plan also shows that these parcels are potentially in FEMA's flood plain. If so, flood insurance will likely be required, or FEMA's map will have to be revised by the applicant to remove it from the flood plain. The flood plain should be noted on the subdivision plat.
11. A soils report should be submitted.

**Fire - Public Works - Legal -**

1. No comments at this time

## **Building -**

1. Prior to any permits being issued for the construction of any structures on the two lots, there shall be a geotechnical sub surface investigation performed on the site that will cover both lots. The number of borings required shall be at the discretion of the Geotechnical Engineer. The investigation shall evaluate conditions below the surface to identify soil types, ground water levels, liquefaction, soil bearing pressures etc. All findings shall be submitted to the City and all recommendations made in the Geotechnical Report shall be followed.
2. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.
3. Sanitary sewer shall comply with the following.
  - a. **P3005.2.1 Materials.** Cleanouts shall be liquid and gas tight. Cleanout plugs shall be brass or plastic.
  - b. **P3005.2.2 Spacing.** Cleanouts shall be installed not more than 100 feet (30 480 mm) apart in horizontal drainage lines measured from the upstream entrance of the cleanout.
  - c. **P3005.2.4 Change of direction.** Cleanouts shall be installed at each fitting with a change of direction more than 45 degrees (0.79 rad) in the *building sewer, building drain* and horizontal waste or soil lines. Where more than one change of direction occurs in a run of piping, only one cleanout shall be required in each 40 feet (12 192 mm) of *developed length* of the drainage piping.
  - d. **P3005.2.5 Accessibility.** Cleanouts shall be accessible. The clearance in front of cleanouts shall be not less than 18 inches (457 mm) on 3-inch (76 mm) and larger pipes, and not less than 12 inches (305 mm) on smaller pipes. Concealed cleanouts shall be provided with access of sufficient size to permit removal of the cleanout plug and rodding of the system. Cleanout plugs shall not be concealed by permanent finishing material.
  - e. **P3005.2.9 Cleanout size.** Cleanouts shall be the same nominal size as the pipe they serve up to 4 inches (102 mm). For pipes larger than 4 inches (102 mm) nominal size, the size of the cleanout shall be not less than 4 inches (102 mm).
4. All current building codes that are in use at the time of construction shall apply.

## **Planning -**

### *Preliminary Plat issues*

1. The plan shows that there are telephone boxes at the NE corner of the entry way. Are these at grade boxes or upright boxes? What plans are there to protect them?
2. The twenty five (25) foot wide access parcel will need to be combined with one of the proposed parcels.

### *Final Plat issues*

1. Final plat will need to show a cross over easement for Lot 2 to show access. There will also need to be a note on the plat stating that no parking is allowed within the access lane.
2. The title section of the plat may need to include amending parcel A of Westwood Estates, check with the County records.
3. Signature blocks for the Planning Commission, City Engineer and Roy City Council will need to be amended to reflect the language below.

**SYNOPSIS****Application Information**

Applicant: Dee Nelson  
Request: Request for Preliminary Subdivision approval for T & D Nelson Subdivision, a five (5) lot single-family residential subdivision.  
Address: Approximately 5463 South 3100 West

**Land Use Information**

Current Zoning: R-1-8; Single-Family Residential  
Adjacent Land Use: North: R-1-8; Single-Family Residential South: R-1-8; Single-Family Residential  
East: R-1-8; Single-Family Residential West: R-1-8; Single-Family Residential

**Staff**

Report By: Steve Parkinson  
Recommendation: Recommends approval with conditions

**APPLICABLE ORDINANCES**

- Roy City Zoning Ordinance Title 10, Chapter 10 (General Property Development Standards)
- Roy City Subdivision Ordinance Title 11, Chapter 3 (Preliminary Subdivision Application)
- Roy City Subdivision Ordinance Title 11, Chapter 9 (Subdivision Development Standards)

**BACKGROUND**

This property is west of the Eagle lake golf course on the West side of 3100 west, just east of Hidden Cove subdivision. In fact Lots 3 & 4 will almost appear as if they were apart of Hidden Cove phases 3 & 4.

**Subdivision:** The proposed subdivision is to modify Lots 19 & 27 of Hidden Cove 4 as well as to subdivide 1.42 acres of property into five (5) individual parcels. Lot 5 already has an existing single-family dwelling on it, lots 1 & 2 were apart of Hidden Cove 4 and other two (2) lots would be for single-family dwellings as well.

**Zoning:** The property was recently zoned R-1-8 and according to table 10-1 of the zoning ordinance the R-1-8 zone allows for single-family lots to be a minimum of 8,000 sq.-ft. and that each lot is also required to have a minimum of 65 ft. of frontage, which each parcel meets the minimum of both requirements.

**Access:** Lot 5 will continue to have access onto 3100 West and lots 1, 2 & 3 will have access onto 5450 South and Lot 4 will have access onto 5475 South.

**Improvements / Utilities:** Lots 1, 2, 3 & 5 have or already have utilities stubbed into the parcel. Lot 4, which will have access onto 5475 South which was apart of Hidden Cove phase 3, will have to cut into a newly paved road to get the utilities stubbed into the property. Because 5475 is newly paved road, it is Roy City Public Works policy not to allow cuts into new roads for five (5) years, OR they can cut and have to repave the entire section of road.

**DRC Review:** The DRC has reviewed the development, see attached memo. There are a few things needing to be re-submitted prior to applying for final plat approval, but nothing that would cause the development not to comply with all applicable codes.

**Summary:** This five (5) lot subdivision meets all aspects of the zoning and subdivision requirements for lot width and lot area.

### CONFORMANCE TO THE GENERAL PLAN

The future land use map shows and supports this area to be developed as R-I-8; Single-Family Density Residential.

### CONDITIONS OF APPROVAL

1. Compliance to the requirements and recommendations as outline in the DRC memo dated 29 July 2015 (Attached).

### FINDINGS

1. The proposed subdivision meets all of the requirements of the Zoning Ordinance.
2. The proposed subdivision meets all of the requirements of the Subdivision Ordinance

### RECOMMENDATION

Staff recommends approving the Preliminary Subdivision of T & D Nelson Subdivision located at approximately 5463 South 3100 West with the conditions as discussed and as outlined within the staff report.

### EXHIBITS

- A. Aerial Map
- B. Preliminary Subdivision plat
- C. DRC Memo dated 29 July 2015

### EXHIBIT "A" – AERIAL MAP

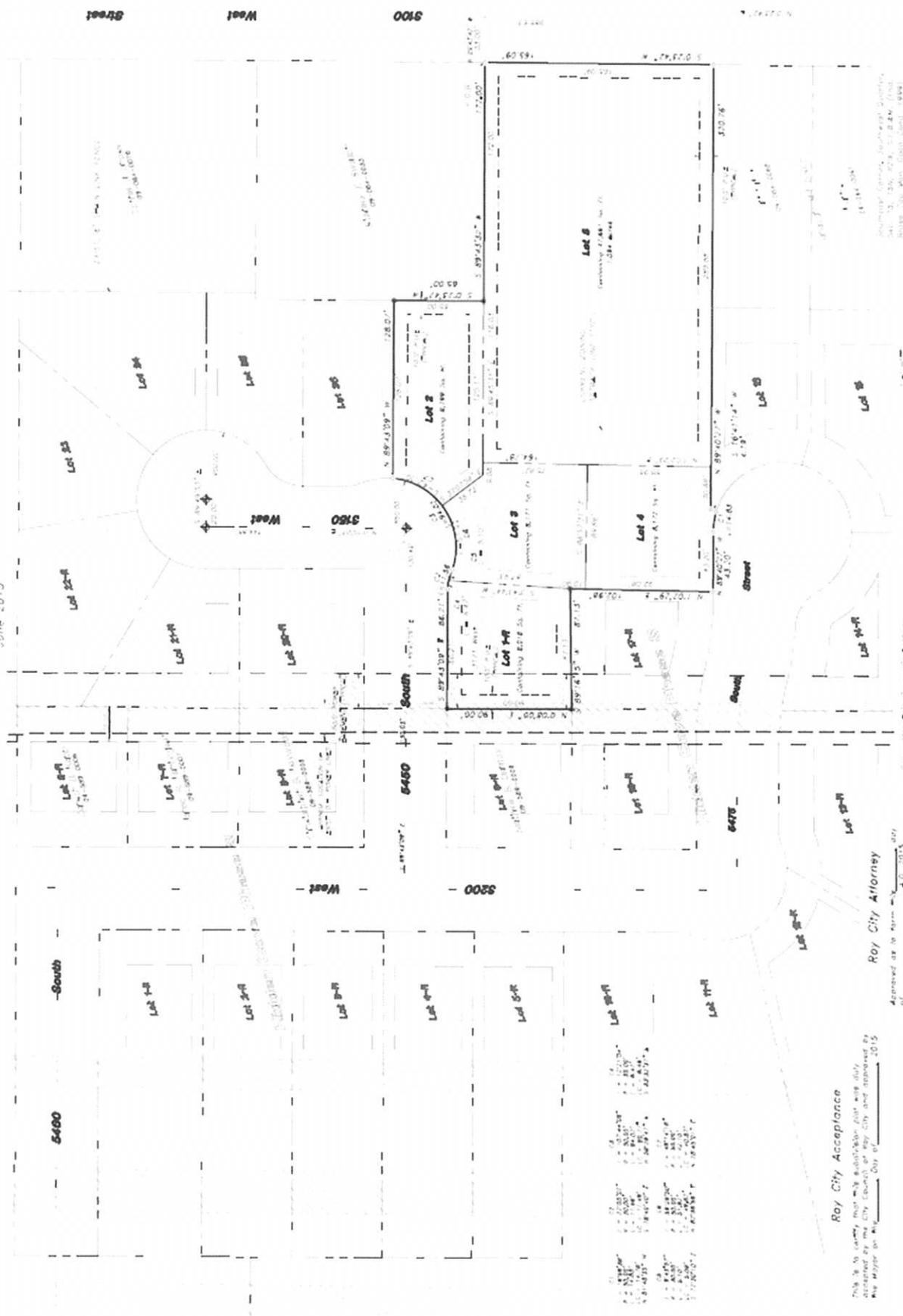


**EXHIBIT "B" – PRELIMINARY SUBDIVISION PLAT**

**T & D NELSON SUBDIVISION**

Roy, Weber County, Utah  
 4 Part of the Southwest Quarter of Section 15,  
 Township 5 North, Range 7 West, Salt Lake Base & Meridian  
 June 2015

Northwest Corner, Salt Lake Base & Meridian  
 S. 13.150', E. 224.844', S. 13.150'  
 from 1700' with corner (cont. 1880)



**Roy City Acceptance**  
 This is to certify that this subdivision plat was duly  
 accepted by the City Council of Roy City and approved by  
 the Mayor on this \_\_\_\_\_ Day of \_\_\_\_\_, 2015.  
 Roy City Attorney

Approved as to form \_\_\_\_\_ 4.6.2015



established 1937

DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 29 July 2015  
To: Dee Nelson  
James Flint – Hansen & Associates  
From: Steve Parkinson – Planning & Zoning Administrator   
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Ross Oliver – Public Works Director  
Clint Drake – City Attorney  
Subject: T & D Nelson Subdivision (3150 W 5450 S) Preliminary

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

**Engineering –**

1. Has already spoken to Applicant's Engineer, on issues.

**Fire – Public Works – Legal -**

1. No comment at this time

**Building -**

1. There has been a Geotechnical Study performed for hidden Cove 2. Since the study was performed phase two has been split up into phase 3 & 4. The T & D subdivision is part of phase 3 & 4 and was included in the original Geotechnical Study.
2. All recommendations and requirements set forth in the Geotechnical Study for phase 2 Hidden Cove job # 06-2196 shall apply to the four lots of the T & D Subdivision.
3. Section R405.1 Concrete or masonry foundations requires drains to be installed. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51 mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.
4. Land drains shall be installed as shown on the plans.
5. All current building codes that are in use at the time of construction shall apply.

**Planning -**

1. Is the developer Dee Nelson or Kevin Ivins
2. Proposed Lot 4 would not be able to be recorded until the utility laterals are installed. It is my

understanding that Mr. Nelson does not want to re-pave all of 5475 South and portion of 3200 West. Perhaps combine Lots 3 & 4 into one large lot. Once five (5) years has past then split the lot into 2 parcels.

**SYNOPSIS****Application Information**

Applicant: B. Scott Berry  
Request: Request for approval for a Site Plan to allow accessory buildings for Southern Comfort.  
Address: 5357 South 1900 West

**Land Use Information**

Current Zoning: RC, Regional Commercial  
Adjacent Land Use: North: Commercial; RC zoning. South: Commercial; RC zoning.  
East: Commercial; RC zoning West: Commercial; RC zoning

**Staff**

Report By: Steve Parkinson  
Recommendation: Recommends approval with conditions

**APPLICABLE ORDINANCES**

- Roy City Zoning Ordinance Title 10, Chapter 14 (Permitted Uses)
- Roy City Zoning Ordinance Title 10, Chapter 17 (Table of Uses)

**BACKGROUND**

This is a request for Site plan approval for the allowance of a concrete pad for a smoker and a shed. Southern comfort is located on 1900 West between Midas and Discount Tires. The property also has access to 1950 West.

This application came about because the applicant continues to add or construct things on this commercial property without submitting appropriate plans, applications, etc. Sometime in between March 30<sup>th</sup> and April 9<sup>th</sup> of this year a 16' by 12' (192 sq.-ft.) concrete pad with a six (6) foot chain link fence surrounding a smoker, appeared. After taking a picture of the site plan violation (see exhibit "B") I went into the building and spoke to Shawn one of the Managers regarding the problem and asked for a site plan to get it approved. Nothing occurred from that visit.

On the morning of May 27<sup>th</sup> it was observed that something was being added onto the property, this time a 12' x 6' (72 sq.-ft.) shed was again being constructed without approval. Again after taking pictures (see exhibit "B"), Ed Pehrson (City Building Official) and myself went in and spoke with Shawn. I again spoke with her regarding the problems that continue to come up and that they again need to make application to get Planning Commission approval for the things already on site. I also informed her that no more of the shed was to be completed prior to approval (see exhibit "B").

That very afternoon someone came by and applied for a building permit for the shed, nothing for the site plan issues, but did provide a site plan. The building permit found itself on my desk about a week later. I conducted a site plan review, even though there was no application for such. On the 16<sup>th</sup> of June I sent some comments (see exhibit "C") to Mr. Berry regarding the deficiencies. Again that same day Mr. Berry came and made application, but didn't provide a new site plan as requested. It wasn't until July 7<sup>th</sup> that I received a new site plan. (see Exhibit "D") The new site plan did not take into count any of the comments within the 16<sup>th</sup> June memo, but I wasn't going to wait another month for a new site plan to be resubmitted, so I accepted the deficient plan.

According to the approved landscaping plan (see exhibit "G") and a letter dated November 20, 2014 from Mr. Berry (see exhibit "F") some of the required landscaping has been installed but much of it has not, and it was all to be completed prior to June 1, 2015. This project is currently in violation of the Conditional Use that was recommended by this body for approval on October 14, 2014 and approved by the City Council on November 18, 2015.

## **ANALYSIS OF PROPOSED SITE PLAN**

In Chapter 14, section 1411 of the Zoning Ordinance it gives standards for New construction

### **A. Building Design Standards**

- All accessory structures shall take on the same character as the primary building, using the same colors, materials, shape, and style.

The applicant has stated that the shed will be painted the same color as the main building (white with green trim), but the exterior material of the shed is a T-111 vertical wood siding, which does not have the same characteristic as cinder block

The location of the proposed smoker (already installed) and shed (90% constructed) does not impact the overall interconnectivity of the property, nor does it have an impact on customer parking. Staff does have a question as to the security of the smoker and shed. Does the applicant intend to install a fence around both as to deter people from having access to the shed?

## **ANALYSIS OF PROJECT FROM THE OCTOBER 14, 2014 PC REPORT**

**Conditional Use Standards:** *The applicant has applied for a Conditional Use to allow for an Alcohol Beverage License for a full service, sit down restaurant featuring comfort food from the "South". Highlighting Memphis style barbeque and Louisiana style Cajun & Creole food. Hours of operation will be Monday thru Thursday 7:00 am to 10:00 pm and Friday & Saturday from 7:00 am to 11:00 pm. It will feature live entertainment on Friday & Saturday from 7:00 pm til 10:00 pm., there will be no dancing.*

According to table 17-2 of the Zoning Ordinance to serve Alcohol Beverages require Conditional Use approval.

The standards for granting Conditional Uses are summarized by the following:

1. The requested use must be listed as a Conditional Use.
2. The use must comply with setbacks and other zoning standards.
3. The use must be conducted in compliance with the ordinance and any other regulations.
4. The property must be of adequate size to allow the use in a manner that is not detrimental to the surrounding uses.
5. Must be consistent with the goals and policies of the City's General Plan.

The property has been vacate for at least 3 to 4 years, the last business to occupy this building was a Subway Sandwich Shop. According to Section 1902 (1) of the Zoning Ordinance "Off-street parking spaces shall be provided, meeting the requirements of this Chapter, for ... the establishment of any new use,..." Because it has been vacate for many years, the site can be reviewed for compliance to today zoning ordinance. The site currently has many deficiencies that will be discussed in more detail below.

**Elevations:** There are no proposed changes to the exterior of the building and the building itself demonstrates many aspects of the design standards as mentioned within the Zoning Ordinance.

**Parking:** The current parking layout and numbers were sufficient for the previous use, a restaurant requires either one (1) stall per four (4) seats OR one (1) stall per 100 sq.-ft. of gross floor area, whichever is less. 40 stalls are needed for this restaurant, however there are only 30 stalls on site. However there are two (2) stalls within the front setback, which needs to be landscaping. (See "Landscaping" below)

Parking stalls need to be 9' X 20' when at a 90° angle with a minimum of 24' back-up distance or 10.4' X 18.5' when at a 60° angle with a minimum of 16' back up distance. Parking stalls are also required to be on hard surface.

Section 1912 of the Zoning Ordinance allows the Planning Commission to reduce this requirement if it can be shown that:

- A unique nature of the existing or proposed land use or due to a unusually large number of pedestrian or transit trips, where below-normal parking spaces will be generated, or
- A reduced number of off street parking spaces will meet the demands of the proposed use without increasing traffic or on-street parking problems.

OR

- Section 1906 of the Zoning Ordinance allows parking to be on a separate property as long as its within 500 feet, is not separated by any major street and that a non-revocable written parking agreement is in place prior to approval.

The Planning Commission will need to determine if a reduction in the parking standards is warranted and if the number of existing stalls is adequate for the use.

**Landscaping:** The site currently has zero (0) existing landscaping. According to Section 1914 “No required off street loading spaces shall be permitted in any front yard or in any street side yard.” The applicant shows five (5) parking stalls within the front yard setback, thus this area can be converted to landscaping which will account for a large percentage of the overall sites landscaping requirement.

## **CONFORMANCE TO THE GENERAL PLAN**

- The future land use map shows and supports this area to be developed as Regional Commercial.
- Goal 5; Objective 1; Policy B within the “Urban Growth” section states: “Development should provide adequate on-site and off-site improvements necessary to support the development and mitigate its effects on or beyond the immediate site.”
- Goal 1; Objective 1; Policy B within the “Community/Industrial Development” section states: “Enforce high site plan and design standards during development review.”
- Goal 1; Objective 2; Policy B within the “Urban Design & Aesthetics” section states: “Make provision for the establishment of landscaping, berming, and increased setback of development to serve as buffers on the City’s arterial and other heavily traveled city streets”

## **CONDITIONS OF APPROVAL**

1. Requirements and recommendations of the Building Official.
2. Requirements and recommendations as outline in the DRC memo dated 27 July 2015.
3. Provide a financial guarantee for all of the required landscaping, including removal of any concrete or asphalt, as shown within the November 21, 214 approved landscaping plan.
4. That the area west of the building be hard surfaced OR signs posted with “No Parking” and posts & chains installed.
5. Continuous violations to Building, Fire, Health and/or Planning code will result in revocation of business license.

## **FINDINGS**

1. The proposed site plan can meet the site design standards as established in the Zoning Ordinance with the conditions as outlined within this report.

## **RECOMMENDATION**

Staff recommends that the Planning Commission approves the Conditional Use to serve Alcohol Beverages at Southern Comfort located at 5357 South 1900 West with the conditions as discussed and as listed within this report.

## **EXHIBITS**

- A. Aerial Map
- B. Pictures
- C. DRC Memo dated 16 June 2014
- D. 7 July 2015 - Site Plan
- E. DRC Memo dated 30 September 2014
- F. 20 November 2014 – Letter from Mr. Berry
- G. 21 November 2014 – Approved Landscaping Plan

EXHIBIT "A" - AERIAL MAP



**EXHIBIT "B" – PHOTOS**



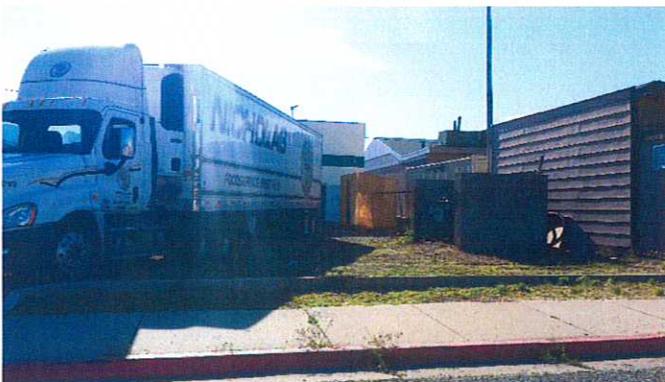
March 30, 2015 – showing 3 vehicles parked in the "No Parking" area



April 9, 2015 – showing the smoker, fence & concrete pad



May 27, 2015 – showing the smoker & shed



June 16, 2015 – showing delivery truck in "no Parking" area



August 7, 2015 – showing a trailer parked in "no Parking" area



August 7, 2015 – showing shed has been enclosed.



DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 16 June 2015  
To: B. Scott Berry  
From: Steve Parkinson – Planning & Zoning Administrator  
Mark Miller – City Engineer  
Jeff Comeau – Deputy Fire Chief  
Ed Pehrson – Building Official  
Ross Oliver – Public Works Director  
Clint Drake – City Attorney  
Subject: Southern Comfort [5357 So. 1900 We.] – Site Plan review

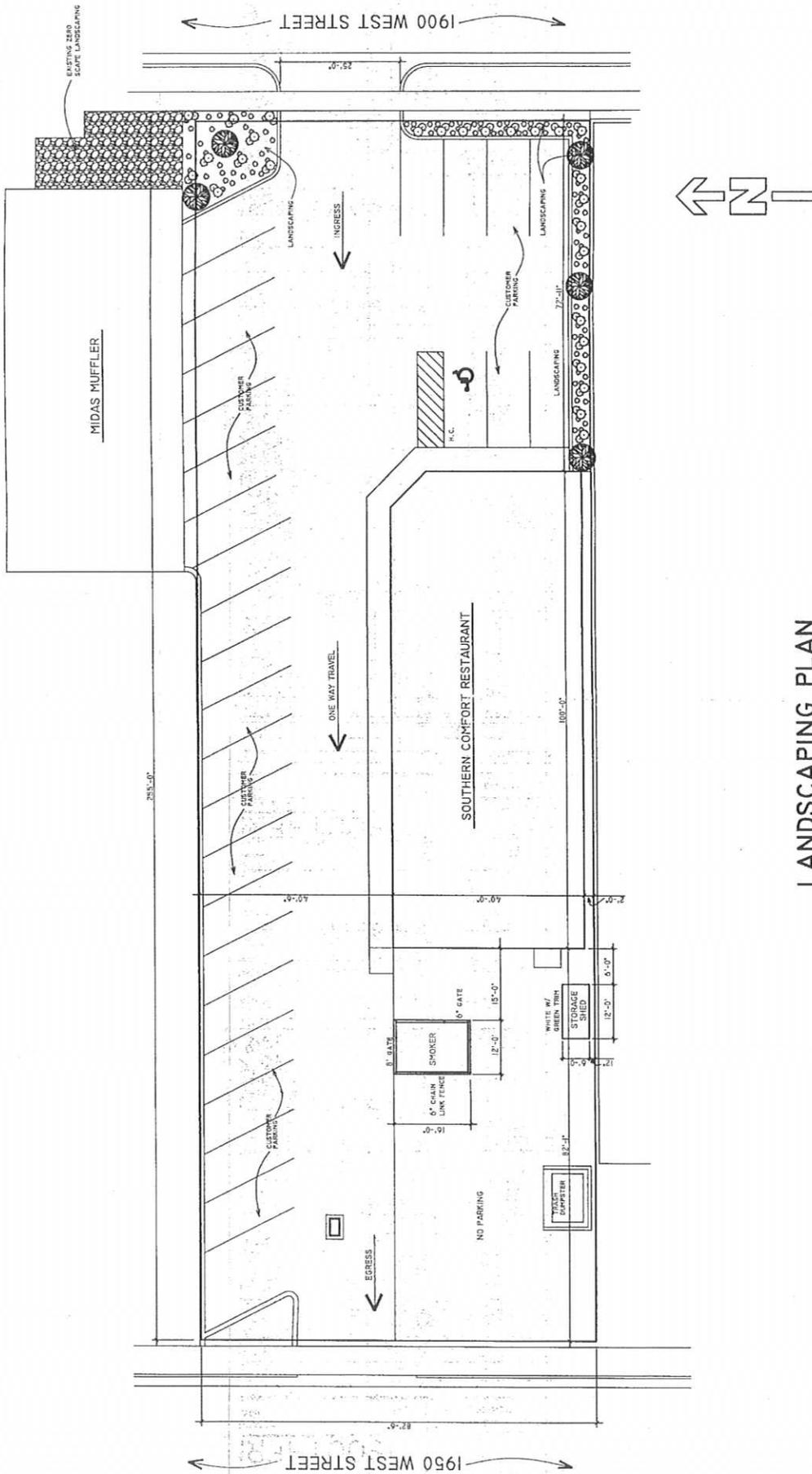
We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

**Engineering - Fire - Building - Public Works - Legal -**

- I. No comment at this time

**Planning -**

- I. The application is incomplete, item will not be placed on the Planning Commissions agenda until the following have been submitted:
  - a. Site Plan Review Permitted – PC Application.
  - b. Fees. \$100.00
2. Some drawings were submitted, here are some comments:
  - a. The scale on the drawing is wrong.
  - b. Site plan does not match the approved plan dated November 21, 2014? (attached) Site Plan needs to be re-submitted incorporating both the approved plan as well as the proposed additions (Food smoker area & Storage shed)
  - c. On several occasions it has been observed to have vehicles parked on the dirt to the west of the building. Either this area needs to be paved or posts and chains need to be installed with signs attached stating "No Parking". Even delivery trucks are a violation.



**LANDSCAPING PLAN**  
NOT TO SCALE



DEVELOPMENT REVIEW COMMITTEE

REVIEW MEMO

Date: 28 July 2015  
 To: B. Scott Berry  
 From: Steve Parkinson – Planning & Zoning Administrator *SEP*  
 Mark Miller – City Engineer  
 Jeff Comeau – Deputy Fire Chief  
 Ed Pehrson – Building Official  
 Ross Oliver – Public Works Director  
 Clint Drake – City Attorney  
 Subject: Southern Comfort [5357 So. 1900 We.] – Revised Site Plan review

We have tried to address all items of concern with reference to all applicable City codes or for the general Health, Safety and Welfare of the public, however, this review does not forego any other items of concern that may come to our attention during additional reviews.

**Engineering - Fire - Public Works - Legal -**

1. No comment at this time

**Building -**

1. The storage shed is exempt from a permit due to it being less than 120 Sq. Ft. It is however not exempt from following the requirements of the Code as noted below.
2. If the storage shed is placed less than 10Ft. to the property line it will require a 1 hour fire rating as per Table 602, noted below.
3. Any electrical work that is being added to the storage shed will require a Building Permit for the electrical system.
4. [A] 105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:
  - One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m2).

SECTION 602 CONSTRUCTION CLASSIFICATION TABLE 602 FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE <sup>a, e, h</sup>

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP Hf	OCCUPANCY GROUP F-1, M, S-1g	OCCUPANCY GROUP A, B, E, F-2, I, R, S-2g, Ub
X < 5c	All	3	2	I
5 ≤ X < 10	IA	3	2	I
	Others	2	I	I
10 ≤ X < 30	IA, IB	2	I	Id
	IIB, VB	I	0	0
	Others	I	I	Id
X ≥ 30	All	0	0	0

For SI: 1 foot = 304.8 mm.

- a. Load-bearing exterior walls shall also comply with the fire-resistance rating requirements of Table 601.
- b. For special requirements for Group U occupancies, see Section 406.3.
- c. See Section 706.1.1 for party walls.
- d. Open parking garages complying with Section 406 shall not be required to have a fire-resistance rating.
- e. The fire-resistance rating of an exterior wall is determined based upon the fire separation distance of the exterior wall and the story in which the wall is located.
- f. For special requirements for Group H occupancies, see Section 415.5.
- g. For special requirements for Group S aircraft hangars, see Section 412.4.1.
- h. Where Table 705.8 permits nonbearing exterior walls with unlimited area of unprotected openings, the required fire-resistance rating for the exterior walls is 0 hours.

### **Planning -**

3. There is no scale on the drawing as required.
4. Site plan does not match the approved plan dated November 21, 2014! That site plan was approved by the Planning Commission on October 14, 2014 as well as by the City Council on November 18, 2014.
5. Installation of the required landscaping has yet to occur. The deadline for installing the approved landscaping was to be no later than June 1, 2015. By not installing the required landscaping you are in violation of your Conditional Use approval and are subject to fines and/or revocation of your Conditional Use, thus revoking of your business license.
6. A new Site Plan needs to be submitted incorporating both the approved plan dated November 21, 2014, as well as the proposed additions (Food smoker area & Storage shed)
7. On several occasions it has been observed that vehicles have been parked on the dirt to the west of the building. Either this area needs to be paved or posts and chains need to be installed with signs attached stating "No Parking". Even delivery trucks are a violation.
8. If the proposed (already built) shed is for a cooler, will that area also be secured with a fence?

Areas still yet to be landscaped as approved

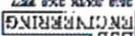
Proposed "smoker" area has already been installed, without Planning Commission approval.

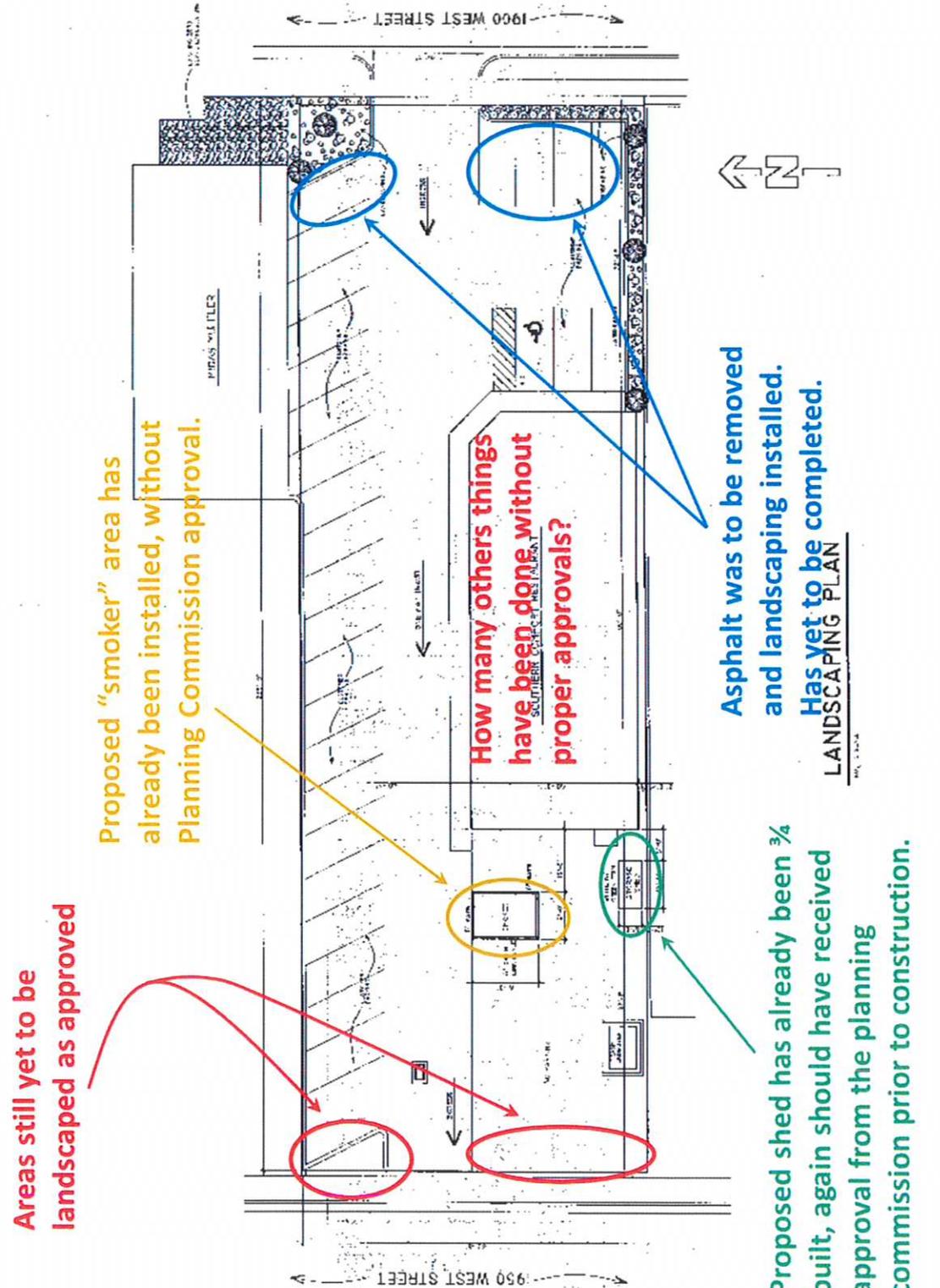
How many other things have been done without proper approvals?

Asphalt was to be removed and landscaping installed.

Has yet to be completed.

Proposed shed has already been 3/4 built, again should have received approval from the planning commission prior to construction.

		
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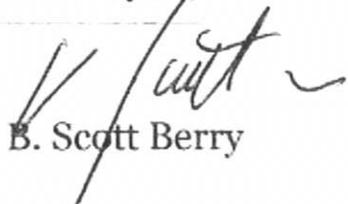


November 20, 2014

To whom it may concern,

Attached are the site plans and the plant list for Southern Comfort Restaurant, located at 5357 S 1900 W, Roy. We are in agreeance with the City of Roy and Steve Parkinson (Roy City Planning Commission) to have all landscaping completed as planned on the attached site plan by June 1, 2015.

Thank you,



B. Scott Berry

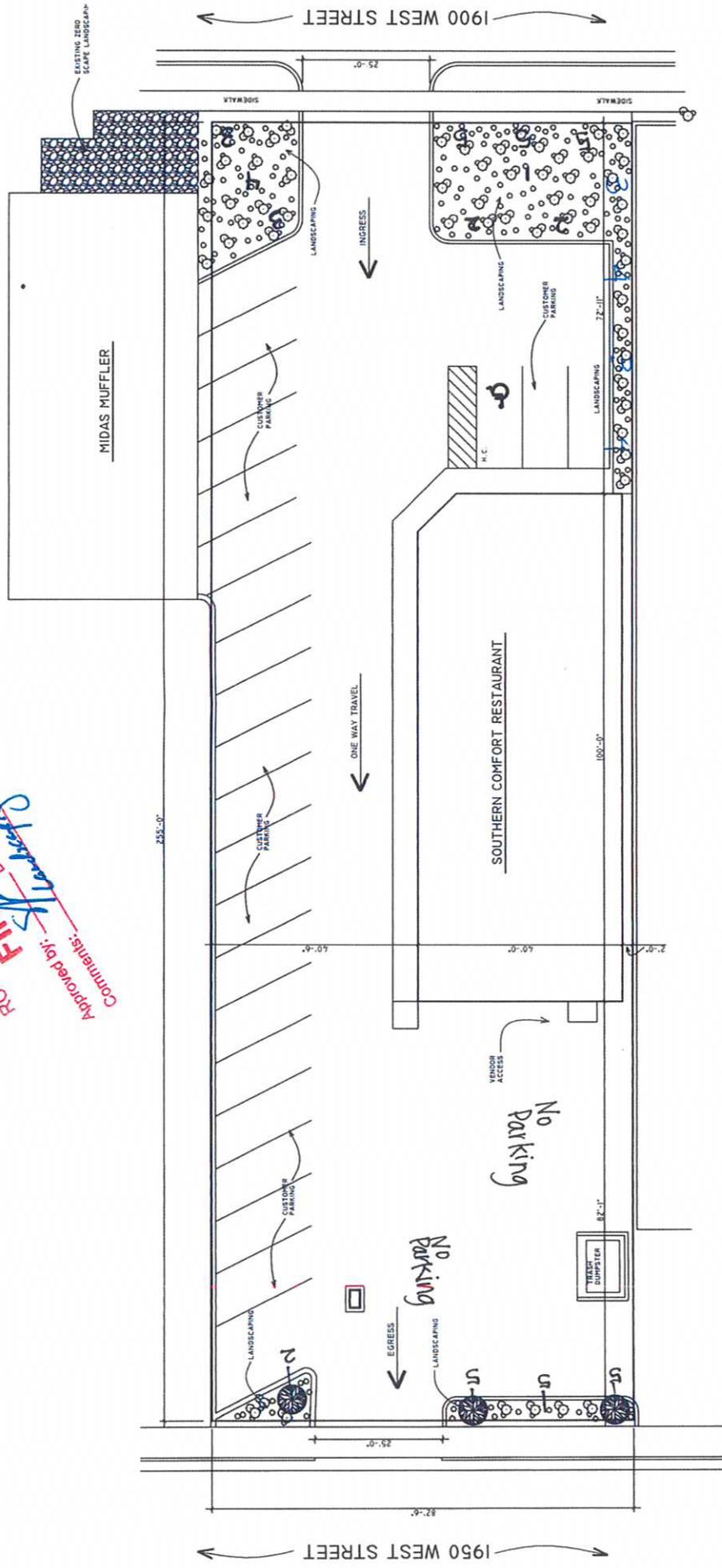
Plant List for the site pans for Southern Comfort, 5357 S 1900 W

The corresponding number is associated with the number on the site plans.

- #1: Royal Purple Smoke Tree
- #2: Prairie Fire Dogwood
- #3 Dogwood Bailey
- #4 Physocarpus, Center Glow
- #5 Forsythia Show Off

**EXHIBIT "G" – 21 NOVEMBER 2014 - APPROVED LANDSCAPING PLAN**

Approved by: *[Signature]*  
 Date: 21 Nov 14  
**FINAL**  
 ROY CITY PLANNING  
 Comments: *Landscaping please*



1950 WEST STREET

1900 WEST STREET